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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,914	06/22/2001	Claire Dubois	85761-28	5893

28291 7590 03/03/2005

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CANADA

EXAMINER

HARLE, JENNIFER I

ART UNIT PAPER NUMBER

1654

DATE MAILED: 03/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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03032005

DATE MAILED:

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Commissioner for Patents

Please see attached communication.

DETAILED ACTION

Claims 1-20 were pending. Claims 1-20 have been amended and are subject to are subject to an Election/Restriction Requirement.

Response to Arguments

Election/Restrictions

1. Applicant's election of Group I, Claims 1-19, in the reply filed on December 22, 2004 with traversal, is acknowledged. Applicant's argument that the examiner has failed to establish a search burden is not persuasive. The examiner specifically noted that the search would involve a plethora of compounds and numerous diseases, i.e. creating a serious burden on the examiner in multiple places in the restriction. See pp. 3-4 and pg. 8. Applicant's acknowledge that all of the diseases are related, i.e. have an inflammatory component, but fail in the traversal because no evidence is provided nor is it clearly admitted on the record that the diseases are obvious variants of each other. Therefore the restriction requirement regarding the diseases will not be withdrawn.

2. The reply filed on December 22, 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicants' failed to select a specific species of the compounds grouped A-G. Applicant's did select Group G but failed to select a specific compound as required on pages 2 and 5, i.e. "along with a specific compound from among the Groups A-G set forth below". As the examiner set forth A-G clearly define groups of compounds from which the Applicant is to select one for examination on the merits. The examiner acknowledges that the traversal argues that the examiner has failed to show an undue search burden. However, this is not the case. The examiner specifically set forth the demands of the plethora of compounds and noted that the search would involve individualized searching, i.e.

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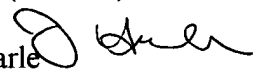
a burdensome search. See pp. 3-4 and pg. 8. Moreover, Applicants still must select a compound under the Election/Restriction Requirement to be in compliance. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer I. Harle whose telephone number is (571) 272-2763. The examiner can normally be reached on Monday through Thursday, 6:30 am to 5:00 pm,.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell can be reached on (571) 272-0974. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer I. Harle 
Examiner
Art Unit 1654

March 2, 2005